

RULES AND REGULATIONS FOR
CITY OF WICHITA FALLS PROPERTY
AT
LAKE ARROWHEAD
AND
LAKE KICKAPOO

Also known as
“Lake Arrowhead Rules, Regulations and Building Restrictions”
and
“Lake Kickapoo Rules, Regulations and Building Restrictions”

I. APPLICABILITY.

The rules contained herein apply to all individuals and activities at Lake Arrowhead and Lake Kickapoo. Additionally, the City of Wichita Falls reserves the right to incorporate these rules by reference into contracts, ordinances, or other documents.

II. DEFINITIONS.

- A. *Breeding operation* means breeding or raising animals for the purpose of disposing of the same for any consideration, money or otherwise; or permitting any owned or harbored animal to have more than two pregnancies in the period of a year.
- B. *Building Limit Line* means a line established as far as engineeringly practicable at the 930 foot contour elevation for Lake Arrowhead and the 1050 foot contour elevation for Lake Kickapoo. Surveying limitations, however, have required that the Building Limit Line be established as the line below which property was required for future flooding conditions, and the line is therefore subject to change as the lake changes and must be a fluid guideline. The City shall be the final arbiter of the location of the Building Limit Line in any circumstance which requires its delineation.
- C. *City* means the City of Wichita Falls, Texas.
- D. *Flood Plain* means the area between the Building Limit Line and the Reservoir.
- E. *Lake* and *Lakes* shall mean both Lake Arrowhead and Lake Kickapoo, unless otherwise specified in a rule herein.
- F. *Lake Arrowhead* shall mean the water surface of Lake Arrowhead and all waters thereunder and all property owned by the City of Wichita Falls surrounding Lake Arrowhead.
- G. *Lake Kickapoo* shall mean the water surface of Lake Kickapoo and all waters thereunder and all property owned by the City of Wichita Falls surrounding Lake Kickapoo.
- H. *Lessee* means a person in a lease agreement with the City. The term includes that person's household members, invitees, guests, visitors, and all other persons on or using Lake property with the permission of or at the behest of a person in a lease agreement with the City.
- I. *Outbuilding* means a covered structure not directly attached to the residence which it serves.

- J. *Plot* means a single piece or parcel of land consisting of one or more lots. Every plot shall be deemed to front on the street on which the lot (or lots constituting said plot) fronts, unless the lot or lots abuts the lake, in which case the plot shall be deemed to front on both the street and the Lake.
- K. *Reservoir* means the water surface of the Lake and all waters thereunder.
- L. *Reservoir Structure* means piers, wharves, docks, barges, floating fences, boat houses, crappie houses and any and all other stationary or floating facilities on, in or over the Reservoir.
- M. *Spillway Elevation* means the 926 foot flood line elevation for Lake Arrowhead and the 1045 foot flood line elevation for Lake Kickapoo.
- N. *Street* includes any street, drive, boulevard, road, land way, terrace, or court, as shown on any relevant plat.

III. WATER.

- A. The primary purpose of the Lake is to supply the City of Wichita Falls with water for human consumption.
- B. Water Level.
 - 1. In the event that the City makes a determination to raise the water level in the Lake by raising the dam thereof to a level that would cause flooding of the leasehold rights of any lessee, the City will give written notice of the City's determination to that lessee and set a date for the removal of the improvements on the leased lot.
 - 2. In order to provide for periodic floods which will inundate areas above the Spillway Elevation, the City has acquired land areas up to the Building Limit Line.
- C. Use of Water.
 - 1. Tenant may not use water drawn directly from the Lakes on Premises for any purposes, unless Tenant has a written permit from the City to do so. Once the City issues a water use permit to Tenant, Tenant shall pay an annual permit fee of \$250 or an amount as set by Landlord hereinafter. Tenant agrees to abide by any and all water use rules set by Landlord for water drawn directly from the Lake Landlord's water use rules will be consistent with the City of Wichita Falls' drought policy. Tenants are limited to the use of a ¾ hp pump and a one inch diameter discharge line for water extraction from the lake.
 - 2. Tenant shall not dig water wells on Premises. Tenant will be permitted to maintain any water well which was already in existence as of November 5, 2013, provided the Tenant gives written notice to City of the existence of the well with 30 days from this date. When written notice of a well has not

been provided to the City, or if a well is created thereafter, Tenant shall cap and safely close the well at Tenant's expense within 30 days of a written order to do so by City.

IV. USE OF LAND BETWEEN THE BUILDING LIMIT LINE AND WATER LEVEL OF THE LAKES.

- A. Limited Use Permits Generally.
 - 1. During most of the time an area of dry land will be in evidence below the Building Limit Line to the Reservoir. All City-owned lands which surround the Reservoir below the Building Limit Line are subject to flooding and may be used for permanent structures by permit only.
 - 2. Applications for permits shall be made on proper forms obtained from the Property/Lake Lot Administration Office of the City.
- B. Permits For Alteration of Reservoir Water Line.
 - 1. Any individual, organization, business entity, developer of real estate subdivisions or other party who desires to alter, change or realign the Lake water line on City property by channeling, digging, scraping or moving of earth, MUST first file application with plans with the City and must obtain written approval by limited use permit prior to doing any work of this type. Any individual, organization, business entity, developer of real estate subdivisions or other party who desires to move earth below the spillway elevation must receive written approval for the project from the U.S. Army Corps of Engineers, and must submit proof of same with any application for limited use permit from the City.
 - 2. When it has been determined by the City that such plans are in order, approval may be given and a limited use permit issued to private individual, business, commercial and/or organization property owner or lessee. In the case of real estate developers, a limited use permit will be issued for a period of one year on receipt of proper application therefore and payment of prescribed permit fees.
 - 3. Under no circumstances will permission be given to dig or cut channels across the Building Limit Line.
 - 4. As a general rule, filling will not be allowed between the 926 and the 930 feet contour elevations at Lake Arrowhead and between the 1045 and the 1050 feet contour elevations at Lake Kickapoo unless proper bulkheads are installed and maintained. Plans for such bulkheads must be received and approved in writing by the City prior to any construction being permitted.
 - 5. Developers authorized by limited use permits to dig, cut, or otherwise construct such channels on City owned property in order to enhance the value of lots within their subdivision will agree to notify any lot purchaser that purchaser will be required to obtain his own limited use permit from the City after expiration of Developers' permit, in order to have continued use of adjacent property owned by the City.

C. Limited Use Permits on Land.

1. A limited use permit must be obtained by any and all property owners, leaseholders, assignees, etc. abutting the Building Limit Line in order to have any use, ingress and egress or any permissive rights whatsoever on the area between the Building Limit Line and the Reservoir.
2. Limited use permit will be issued to permittees or assignees for City owned property as a part of the permit agreement with the City, and will include access rights to the water line for property leased that is not adjacent to the Building Limit Line.
3. All others must obtain a limited use permit prior to entering or attempting to use or alter such City owned lands in any manner whatsoever by filing a formal application in writing with the City. Failure to obtain such limited use permit will render such person or persons liable for trespassing on City owned property. Such trespassers will be subject to prosecution and prohibited from using or making use of any of the reservoir facilities until proper limited use permit has been acquired.
4. Limited use permits for City owned land below the Building Limit Line will be limited to specified areas.
5. Application for limited use permit with rough sketch or plat of land area and improvements will be filed with the City on the applicable form obtained from the Property/Lake Lot Administration Office of the City.

D. Permits to Install and Construct Reservoir Structures.

1. Reservoir Structures will not be allowed on the Lake except by limited use permit granted by the City for such construction, and in accordance with City specifications. All Reservoir Structures over water at the Lake will be inspected and permitted by the City or removed from City property. Boat houses and crappie houses may only be constructed at the Lake if such structures have windows or if they are not fully enclosed. Landlord shall have access to boat houses and crappie houses during normal business hours.
 - a. The owner must pay the annual permit fee.
 - b. The owner must maintain all reservoir structures in good condition.
 - c. If the boat or crappie house is deemed to be a contaminant or contributes to the contamination of the water supply by the City, or is required to be removed by any authorized governmental agency, all permits and permissions shall be canceled and immediate removal of the boat or crappie house shall be required at that time.
 - d. Boat and crappie houses must be readily accessible for inspection at all times, and must have adequate windows for interior inspection, or Tenant must be on-site for any required inspection.
2. Permits for Reservoir Structures will only be granted to lessees of waterfront lots.
3. Reservoir structures will be limited to a maximum total length of not more than 100 feet perpendicular to water line from the Spillway Elevation.

Exceptions to this length requirement may be granted at the discretion of the Lake Lot Coordinator after due consideration is given to the lay of the lots on which the Reservoir Structure will be located and the lay of surrounding lots. At no time will a Reservoir Structure be permitted that will constitute a hazard to navigation or use of the Reservoir or interfere with existing structures.

4. All Reservoir Structures must be securely moored to the owner's leased lot in an approved manner at all times and anchored properly in order to prevent such from becoming unmoored and floating away during periods of high water or inclement weather. Installation of all Reservoir Structures are in all instances subject to the approval of the City. Barrels and metal drums will not be approved as buoyancy for Reservoir Structures.
5. Applications for Reservoir Structure permits must be accompanied by a materials list and a sketch showing location, dimensions and construction plans including method of anchoring to insure proper mooring at all times. There will be a one time building permit fee of \$25.00, and an annual inspection fee of \$50.00 for all structures except boat and crappie houses, which will pay a \$100.00 annual inspection fee.
6. Wood members containing creosote or metal parts that are irradiated will not be approved for use at the Lake.
7. No Reservoir Structure will contain sanitary facilities.
8. No Reservoir Structure shall contain living quarters of any kind.
9. No Reservoir Structure shall contain apparent hazardous or dilapidated conditions, and all Reservoir Structures shall be properly maintained.
10. After inspection of property, review of plans contained in the application, and payment of prescribed fees, a building permit for a Reservoir Structure will be issued if the plans conform to the City's specifications. When the Reservoir Structure is completed, the owner will request, and the City will conduct a final building inspection, and upon approval by the City after final building inspection, Reservoir Structure tags will be issued by the City. One tag will be affixed to the Reservoir Structure so that the tag will be visible from the Reservoir and another tag will be affixed to the Reservoir Structure so that it may be seen from the road or street.
11. Any unpermitted Reservoir Structure remaining after October 1, 1998, shall be subject to removal by the City with all costs assessed to lessee or owner of the Reservoir Structure.
12. The public fishing barge known as Kickapoo Catfish Barge, which is attached to a commercial lease, is excepted from these rules and shall continue to be governed entirely by the commercial lease agreement in effect.

V. USE OF AND RECREATION AT LAKES.

A. General Rules, Regulations and Restrictions Applying to the use of the Lake.

1. The City Council of the City of Wichita Falls, having determined that the use of the Lake by the general public for recreational activities will not be in conflict with the operation and maintenance of the Reservoir for its primary purposes, hereby prescribes the rules and regulations for the public use of the Lake.

B. Restricted Areas.

1. Commercial development and public use of any nature is unconditionally prohibited along the shore line and land lying on, along and below the Building Limit Line within one thousand (1,000) feet of the City pump station facility.
2. Public entry into or use of the following facilities is unconditionally prohibited:
 - a. City owned and operated intake works, spillway and private roads on top of wing walls, and berms and access channel to City Boat Dock;
 - b. City owned maintenance shops, equipment buildings and operation quarters;
 - c. All roads leading onto oil well mounds as well as the mounds themselves;
 - d. All oil well derricks;
 - e. Water surface within 750 feet of overflow section of spillway; and
 - f. Other restricted areas as may be designated at the discretion of the Lake Lot Coordinator or the City for the protection of industrial and municipal facilities around the reservoir.
3. Restricted areas listed will be appropriately marked with signs or floating buoys (where appropriate) labeled "Restricted Area – Keep Out."

C. Destruction of City Property.

1. The destruction, damage, defacement or removal of City property or of vegetation, rock or minerals or trees with a trunk diameter of more than 2 inches is specifically prohibited without written permission from the City under penalty of removal from the Lake, revocation or cancellation of any granted privileges, and consequences of prosecution thereof.

D. Firearms and Explosives.

1. Rifles, pistols and explosives of any kind are prohibited on water surface, except when in the possession of a law enforcement officer or City employee on official business.
2. No firearms or explosives shall be fired within 1000 feet of any recreation area.
3. Possession or use of fireworks is prohibited on City property and the Reservoir.

- E. Junk Vehicles, Rubbish, Trash, Debris and Refuse.
1. No junk vehicles, household furniture, or appliances or parts thereof shall be allowed outdoors at the Lake.
 2. It shall be unlawful for any person to throw, discard or discharge into the Reservoir, or on or along roads, public areas, private sites, City owned land and facilities or anywhere within the general Lake area, any refuse, garbage, trash, rubbish, or waste of any kind.
 3. Refuse, garbage, trash, rubbish and waste may not be burned as a means of disposal, except that brush, limbs, branches and vegetation waste may be burned as approved by county and state authority.
- F. Gasoline and Oil Storage.
1. Gasoline and other inflammable or combustible liquids shall not be stored in, upon or around the Reservoir or shores thereof without written permission of the City.
 2. No petroleum products whatsoever or similar products shall at any time be dumped in, on or about the Reservoir.
- G. Advertisement.
1. Private notices and advertisement are prohibited at the Lake except when authorized by the City as necessary for the convenience and guidance of the public using the area.
- H. Solicitation and Commercial Operations.
1. No person, firm or corporation, or their representative shall engage in or solicit any business at the Lake without permission in writing from the City or in accordance with terms of a permit or concession contract with the City.
 2. All commercial operations or activities on the Reservoir or on lands owned by the City shall be in accordance with permit, limited use permit, or other written agreement with the City.
- I. Garage and Yard Sales.
1. Garage and yard sales are permitted on leased property under the following conditions:
 - a. No lessee may conduct more than four (4) garage and yard sales combined in any calendar year.
 - b. No garage or yard sale will be conducted for more than three (3) consecutive days.
 - c. Signage will be permitted only on the lessee's property and only during the days of the sale.
- J. Alcoholic Beverages.
1. Laws of the State of Texas and local option laws and restrictions related to sale and use of beer, wine, and intoxicating liquors of the county in which

the Lake is located shall govern and dictate the City rules and regulations pertaining to the use and sale thereof.

2. The possession, sale and/or use of beer, wine and intoxicating liquors in violation of applicable State and local option laws on the Reservoir is specifically prohibited.

K. Gambling.

1. Laws of the State of Texas shall govern and dictate the prohibition of any and all forms of gambling in, on or around the Lake.
2. The installation or operation of any gambling device or conduct of any gambling activities at the Lake which in the opinion of the City is prejudicial to the best interests and rights of the public and is otherwise objectionable is hereby prohibited.

L. Abandonment of Personal Property.

1. Abandonment of personal property at the Lake is prohibited.
2. Personal property shall not be left unattended, except in accordance with permits issued therefore.
3. No responsibility whatsoever will be assumed by the City for any personal property and if such property is abandoned or unattended in places other than designated in a permit issued therefor, or under an existing regulation, for a period in excess of forty-eight (48) hours, it will be impounded by the City.
4. If any personal property is not reclaimed and the impoundment charge (if any) for it paid within ninety (90) days, it will be sold, destroyed, converted to City use or otherwise disposed of by the City.

M. Fishing.

1. All local, State and federal laws applicable to fishing at the Lake must be observed.
2. Fishing is specifically prohibited:
 - a. Within 750 feet upstream from spillway and outlet works;
 - b. Within 1000 feet of pump station facility;
 - c. In the channel to the City boat docks;
 - d. From any bridge structures or approaches;
 - e. In areas set aside for skiing;
 - f. In any area marked "Restricted Area";
3. Commercial fishing is prohibited except on special contract with the City when it is determined that such will be in the best interest for maintaining and preserving quality and quantity of fish and marine life in the reservoir.

N. Hunting.

1. Hunting for waterfowl (as that term is defined by the Texas Parks and Wildlife Department) will be restricted to designated areas. No other hunting is permitted on the City property at the lakes.
2. No duck hunting from shore line will be permitted except from authorized blinds.
3. Use of decoys will be in conformance with federal and State law.
4. Hunting will be allowed with a shotgun only. The shotgun is not to exceed 10 gauge with a maximum No. 2 shot size.
5. Hunting blinds will be placed on Lake and shore line by permit only after an application has been made to the Property/Lake Lot Administration Office of the City, and the permit fee paid. Applications shall submit in detail the type, size, and location desired for the hunting blind. Applications shall be considered on an individual and merit basis only, and may be renewed annually so long as the permit holder complies with all lake rules and regulations and all state hunting laws.
6. Hunting blinds will be allowed only in designated areas and shall be 600 feet or more apart. Only one blind location shall be allotted to a person.
7. No boating or fishing or related activities shall be allowed within 600 feet of a hunting blind during waterfowl hunting season. Hunting blind areas shall be marked by the hunting blind permit holder "Restricted – Hunting Blind Only."
8. Each hunter must pay an annual hunting fee of \$50.00 to the Property/Lake Lot Administration Office. Individuals who undertake any hunting activity at the Lake without having paid this fee and thereby receiving the express permission of the City for said hunting shall be deemed to be hunting without the City's consent.
9. Hunting blinds will not be permanent structures and will be removed by the permit holder at the end of the hunting season.
10. Under no circumstances shall any third or private party generate revenue or income or accept donations for any activity related to hunting on the City property at the lakes.

O. Water Skiing and Surf Boarding.

1. Water skiing and surf boarding shall be permitted only in specifically designated and marked areas.

P. Camping.

1. Camping on City-owned property will be permitted in specifically designated areas.
2. City approval is required to camp on City-owned property at the Lake for any one period of two weeks or longer.
3. Camping equipment shall not be abandoned or left unattended for a period of more than twenty-four (24) hours.
4. The installation of any permanent facility at any designated public camp will be permitted only on written authorization of the City.

5. Campers shall keep their camp grounds clean and shall dispose of all refuse, garbage, and trash in accordance with all instructions contained herein and posted.
 6. Due diligence shall be exercised in building and putting out campfires to prevent damage to trees and vegetation and to prevent forest and grass fires.
 7. Camps must be completely razed and sites cleared before campers depart.
- Q. Camping or Travel Trailers.
1. Camping or travel trailers are permitted in areas designated as public camp grounds for periods not more than two (2) days.
 2. For periods longer than two (2) days, permission must be obtained from the City for parking in specifically authorized trailer park areas.
- R. Picnicking.
1. Picnicking will be allowed in specifically designated areas only.
- S. Recreational Activity Programs.
1. Special events such as water carnivals, fishing rodeos, boat regattas, speedboat races, festivals, trade shows, outdoor presentations and other special recreational programs of interest to the general public are permitted in areas designated by the City.
 2. A permit must be obtained from the City by the legally responsible public or private agency proposing to hold a special recreational program.
 3. Application for special recreational program permit shall be made in writing to the Property/Lake Lot Administration Office of the City, stating all details of the proposed program or event.
 4. Charges for such permit shall be as agreed by the City and agency sponsoring such event or program.
 5. The City shall have the right to revoke any permit granted under this section and to require the removal of any and all equipment upon failure of permittee to comply with the terms and conditions contained herein and in the special permit issued for such recreational activity program or event.
- T. Household Trash.
1. Lessees may not dispose of trash in any park or public area at any lake, even where trash bins, barrels or cans are provided. These waste disposal areas are solely for the use of visitors to the lake, not for the use of individuals who live at the lake. A lessee whose household trash is discovered in any park or public area at any lake, whether the trash blew there or was deliberately left there, shall be subject to a \$100 administrative fine for removal of the trash by City employees, report for criminal prosecution for dumping if applicable, and possible eviction.
 2. No person shall dispose of household or business trash in any park or public area at any lake, even where trash bins, barrels or cans are provided. Visitors to public areas are to use provided trash bins, barrels or

cans solely for trash incidental to their visit, such as the wrappings from picnic food. Any person found to be dumping household or business trash in any park or public area at any lake shall be subject to all available legal penalties for doing so.

VI. BUILDING RESTRICTIONS.

A. Purpose.

1. Building restrictions are hereby adopted to insure the orderly and uniform development of the land around the Lake by establishing minimum standards as to lot sizes, building setbacks, building area, construction methods and building material quality.
2. Building restrictions are hereby adopted to protect present investment values and future enhancement by a home building schedule which aims for overall architectural harmony without monotony, interesting variety without bad taste, adaptability and flexibility as opposed to regimentation.

B. Use of Lots.

1. Private Residence Only.

- a. The lots shall be used for private single family residence purposes only, and no store, flat or apartment house, though intended for residential purposes, nor any building of any kind whatsoever shall be erected or maintained thereon, except private dwelling houses and such outbuildings as are customarily appurtenant to residence.
- b. Each dwelling house shall be detached and shall be designed for occupancy, and shall be occupied by a single family.

2. One or Two Story Residence.

- a. Residences erected on any lot shall not be more than two stories in height.

3. No Temporary Structures.

- a. No temporary structure, tent, truck or trailer shall ever be temporarily or permanently located or otherwise maintained on City-owned property; provided that it is not the intention of this paragraph to exclude the temporary parking of passenger automobiles on any portion of the garage driveways or the adjacent street located in front of the building limit or setback line of each lot.
- b. No house may be moved from a different location onto any lot, without first receiving approval from the City in writing.

4. Animals.

- a. Tenant shall not house poultry, cows, horses, or other livestock on Premises, unless approved in writing by the City of Wichita Falls, such as to be allowed on a temporary basis only.

- b. Tenant shall not breed and/or raise rabbits, chinchillas, dogs, or other domestic animals when raised as part of a breeding operation.
 - c. Authorized pets must not cause a nuisance to other leaseholders or interfere with the public's use of public areas at the Lake. The Lake Lot Coordinator will determine if a pet is a nuisance.
 - d. Tenant shall restrain all household dogs indoors, kept in an enclosed fence, or confined to a run.
 - e. Tenant shall maintain no more than four household pets in total on Premises; at that number, all animals must be neutered.
 - f. A breeding operation will be deemed in effect when the population of any species of animal on any lot reaches five.
5. No Business Buildings or Offices.
- a. No building or structure of any sort shall be placed, erected or used for business, professional, trade or commercial purposes on any portion of any lot, except in the public park areas with the written permission of the City.
6. Accessory Leases.
- a. Lessees of property located across a roadway from the Lake may obtain an Accessory Lease for a lot that abuts the Lake in order to maintain existing improvements on the Lakeside lot or add a properly approved and permitted Reservoir Structure.
 - b. The annual rental amount for an Accessory Lease shall be approved by the City Council. The Accessory Lease shall be good for five years subject to review and adjustment at the same five year review period as the original lease. Any rental increase shall not exceed thirty percent (30%) of the lease assessed during the preceding review period.
 - c. The term of the Accessory Lease shall be for a period not to exceed five (5) years and for no longer than the pending rental increase review period on the original leased lot.
 - d. The property leased as an Accessory Lease shall be described by the addition of an **X** to the description of the original lease. (If the description of the original lease is Lot 19b, Block B-North, the Accessory Lease shall be described as Lot 19b **X**, Block B-North.) The map on file in the office of Lake Lot Administration as to lots and blocks of the Lake shall control the location of same and the City will be under no obligation to conduct a survey of the premises.
 - e. An Accessory Lease is transferable with the original lease upon sale of the improvements on the original lease. The transfer fee for the Accessory Lease shall be \$75.00.
 - f. Generally, only existing structures or improvements shall be allowed on an Accessory Lease. Structures or improvements must

be maintained in good repair and building permits must be obtained for any repairs. Structures or improvements that are not maintained in good repair must be removed. No hazardous or dilapidated conditions shall be permitted. No new or additional improvements or habitable structures shall be permitted except for a properly approved and permitted pier. Lessee shall furnish a listing of all existing improvements and current photographs of such to be included in the lease file at the time of execution of the lease.

- g. Lessee shall have a non-exclusive right-of-way, easement, and right of use to the shoreline, but may not prohibit the use of the shoreline to the public.

7. Garden Leases.

- a. A Garden Lease shall be available to lessees for current City-held lots adjacent to the primary lease for recreational and/or gardening purposes in those situations where such lots are designated by City for such use.
- b. No structures or improvements may be made on Garden Leases.
- c. The lessee shall be responsible for any required cleaning of the property.
- d. The annual rental amount for a Garden Lease shall be approved by the City Council. The Garden Lease shall be good for five years subject to review and adjustment at the same five year review period as the original lease. Any rental increase shall not exceed thirty percent (30%) of the lease assessed during the preceding review period.
- e. The term of the Garden Lease shall be for a period not to exceed five (5) years and for no longer than the pending rental increase review period on the original leased lot.

8. Prohibited Conduct on Leased Lots.

- a. The following conduct is expressly prohibited on City-owned property:
 - i. Criminal activity;
 - ii. Manufacturing, delivering, or possessing a controlled substance or drug paraphernalia; and
 - iii. Possessing a weapon prohibited by State law.

C. Development Control.

1. Building Control.

- a. No building, outbuilding, fence, wall or other structure, or any addition thereto or change therein, shall be erected or maintained on any plot unless and until the plans and specifications have been approved by the City in writing in accordance with the procedure as hereinafter provided.

- b. No building, outbuilding, fence, wall or other structure, or any addition thereto or change therein, shall be erected or maintained on any plot unless in compliance with the building and fire codes and other relevant regulations adopted by the City.
- 2. Approval of Building Plans.
 - a. A copy of the proposed building plans shall be submitted to the City for its permanent use.
 - b. Approval of the plans as submitted must be obtained in writing from the Property/Lake Lot Administration Office and from the building inspection office of the City before construction is started.
- 3. Materials Control.
 - a. Control over types of materials to be used in construction shall be maintained by the City in accordance with the building and fire codes and other relevant regulations adopted by the City.
 - b. Structures shall be constructed of such materials or of a combination of such materials as may be approved by the City.
 - c. Roofs shall be of such materials and grades which the City may approve from time to time.
 - d. Unless express permission to the contrary is granted by the City in writing, the same architectural style, materials and finish shall be used in the construction of an outbuilding as is used in the main dwelling.
- 4. Building Location.
 - a. No residence or part thereof shall be erected or maintained on any of said lots nearer to the front street, or the side street, than the 25-foot front building limit line or the 5-foot side building line of the plot on which said building may be erected, as shown by the plat, nor shall such residence or any part thereof be erected or maintained nearer than five (5) feet from the inside property line of such plot; provided that the City may in its sole discretion authorize minor variations with respect to the building lines, but in no case shall such minor variations exceed six inches.
- 5. Minimum Square Footage.
 - a. Minimum square footage for new construction of cabins and new installations of manufactured homes shall be 1000 square feet.
- 6. Permits For Work on Leased Property.
 - a. Permits for dirt work, fence construction, drainage, and Reservoir Structures may be obtained from the City Property/Lake Lot Administration Office. Lessees must provide a simple drawing of the proposed work in order to obtain a permit.

- b. Permits for construction of structures or location of mobile homes may be obtained for a small fee from the building inspection office. Building permits may only be obtained from the building inspection office after the Property/Lake Lot Administration Office has approved the project to be permitted. These permits are to be taken out in the order in which they are listed below:
 - i. Building Permit: before a building permit may be obtained, all plans including a floor plan, site plan and elevations must be approved by the Property/Lake Lot Administration Office and from the building inspection office. For mobile home installations, a photograph and dimensions of the home must be furnished with drawings showing the location of the home on the lot.
 - ii. Electrical Permit: A permit for temporary meter loop is issued for construction purposes only. No connection will be permitted from this loop to the structure. After final building, electrical, and plumbing inspections, the lot will be approved for a permanent electrical connection.
 - iii. Plumbing Permit.

D. Miscellaneous Provisions.

1. Signs.

- a. In general, no advertising or display sign, billboard or sign or advertising structure of any kind shall be constructed, maintained or permitted on any plot.
- b. Printed or painted signs advertising such lot or premises for sale, that are not larger than 5 square feet are allowed with the written consent of the City.

2. Fence Location.

- a. No fences, walls, enclosures or any detached structure for purely ornamental purposes may be erected on any part of any plot so as to extend forward of the front building line or the setback lines of any lot without the written consent of the City.

3. Items and Structures Placed On Public Property.

- a. Any items, structures or improvements, including but not limited to fences, picnic shelters, storage buildings, piers, docks, boat houses, and crappie houses, which are found to be placed on any public property not a part of a leased lot shall be subject to removal by the City upon discovery.

4. Septic Inspection Required at Lease Transfer.

- a. Before any lease at the Lake is transferred, the lessee-transferor shall be responsible for obtaining an inspection of the septic system from an inspector from the Wichita County Public Health

District demonstrating that the system is functioning as designed, is not a public health nuisance, and is in compliance with applicable laws.

- b. A lease on which there is a septic system that cannot pass inspection will only be transferred upon completion of a signed acknowledgement by the new lessee-transferee that the new lessee-transferee is aware of the failing septic system and will either repair the septic system or surrender the lease interest back to the City (with no reimbursement of rents paid) within 30 days of the transfer.

5. Lease Payments and Taxes.

- a. The City does not send out notices or invoices for the payment of rent. It is the lessee's responsibility to ensure that all payments are received on or prior to the due date.
- b. Lake lots are subject to county taxes; all taxes are the responsibility of the lessee
 - i. When a lot is transferred, the Property/Lake Lot Administration Office will notify the county appraisal district for the county in which the lot is located. This information is updated monthly. Lease holders should check with the county appraisal district to ensure they have been added or removed from the tax rolls.
- c. Payment Due Dates for Lake Arrowhead.
 - i. Lease payments for Lake Arrowhead leases dated prior to October 16, 2007, are due on or before June 1st each year along with any additional fees associated with the lease.
 - ii. Lease payment for Lake Arrowhead leases dated on or after October 16, 2007, are due on or before September 30th each year along with any additional fees associated with the lease.
- d. Lease payments for Lake Kickapoo are due on or before September 30th each year along with any additional fees associated with the lease.

E. Right to Enforce Restrictions.

- 1. The restrictions herein set forth shall run with the lease as covenants therewith and bind the present lessee, its successors, grantees and assigns, and all parties claiming or holding by, through or under it or them by deed, conveyance or other method of acquiring title shall be deemed to so take title, and to hold, agree and covenant with the owner and lessee of said lots, and with each of them to conform to, and perform and observe all of said restrictions; but no restrictions herein set forth shall be personally binding on any corporation, person or persons except in respect to breaches committed during its, his or their seizing of or title to said improvements and lease.

2. The owner or lessee of any lot or lots at the Lake shall have the right to sue for and obtain an injunction prohibitive or mandatory to prevent the breach of, or to enforce the observance of any or all of the restrictions herein contained, this in addition to any legal action for damages which may be sustained by reason of the breach of any or all of said restrictions; and the failure of the City, or any lessee of any other lot or lots at the Lake to enforce any of the restrictions herein set forth, at the time of its violations or during the continuation thereof, shall in no event be taken as a waiver of any right or rights of enforcement thereafter taken.